

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:22-cv-342-FDW-DSC**

CHRIS RYAN DAVIDSON,

Plaintiff,

vs.

STATE OF NORTH CAROLINA,

Defendant.

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ORDER

THIS MATTER is before the Court *sua sponte*.

The *pro se* Plaintiff filed this civil action *in forma pauperis* and, on August 11, 2022, the Complaint was dismissed on initial review. [Doc. 3]. The Plaintiff was granted 30 days within which to file an Amended Complaint. [Id.]. He was cautioned that, if he failed to do so, “this case will be dismissed and closed without further notice.” [Id. at 7]. The Plaintiff has not filed an Amended Complaint and the time to do so has expired.

The Plaintiff appears to have abandoned this action. Therefore, this action will be dismissed without prejudice. Fed. R. Civ. P. 41(b) (“If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it.”); Link v. Wabash R.R. Co., 370 U.S. 626, 631-33 (1962) (although Rule 41(b) does not expressly provide for *sua sponte* dismissal, a district court has the inherent power to dismiss a case for lack of prosecution or violation of a court order).

IT IS, THEREFORE, ORDERED that:

1. This action is **DISMISSED** without prejudice for Plaintiff’s failure to comply with the Court’s August 11, 2022 Order.

2. The Clerk of this Court is directed to close this case.

Signed: October 7, 2022

A handwritten signature in black ink, appearing to read "Frank D. Whitney", written over a horizontal line.

Frank D. Whitney
United States District Judge

